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ENVIRONMENTAL COMPLIANCE MONTHLY REPORT FEED MATERIALS PRODUCTION CENTER MAY 1990

05/01/90

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ATTACHMENT

[redacted]

1643

ENVIRONMENTAL COMPLIANCE
MONTHLY REPORT

Feed Materials Production Center

May 1990

I. EXECUTIVE SUMMARY

This report is submitted as required by SEN-7-89, "Policy on Line Management's Responsibility to Achieve Environmental Compliance". The information contained in this report represents the current environmental compliance status at the FMPC as of May 31, 1990, to the best of our knowledge.

New major developments for May are:

- Stormwater Retention Basin Overflow

  On May 16, 1990, the Stormwater Retention Basin at the FMPC overflowed through a designed overflow outfall weir. Sampling and monitoring procedures were initiated and the State was notified. Courtesy calls to U.S. EPA - Region V and local citizens groups were also made. Flow continued through the night; final discharge amounts have been forwarded to the regulatory agencies.

- Above Background Levels of Uranium in Off-site Drinking Water Wells

  Recently, sampling date taken from property owner's drinking water well indicated an increase in uranium concentration. These results are above the range of background typical for southwestern Ohio.

  DOE representatives met with the property owner on April 30, 1990 and also informed the Ohio Department of Health on the same day. U.S. EPA was advised on April 27 and Ohio EPA on April 29, 1990. DOE has proposed increasing the well sampling frequency to bi-weekly. Although the levels are significantly below the U.S. EPA proposed drinking water standard, DOE has provided bottled water to the resident. A media advisory was issued on May 2, 1990.

  DOE site office personnel met with the property owner on May 10, 1990 to discuss options for providing an alternative water source. The residents have indicated they would like a cistern installed to replace the well. The residents are also requesting some amount of compensation for devaluation of property values before agreeing to amend the existing access agreement to contain the terms for installing a cistern. General counsel has been advised.

- K-65 Sample Analysis

Limited samples taken during June of 1989 have been analyzed for both chemical and radiological constituents. Polychlorinated BiPhenyl (PCB) compounds were detected in elevated concentrations, but were well below the EPA standard of 50 PPM. Radiological constituents indicate that residue concentrations for Thorium-230, Uranium isotopes, and Radium are in agreement with Assays conducted on ores processed during the refinery campaigns of the 1950s. However, not enough residue samples from this effort were collected to achieve thorough statistical representation of composition.

II. COMPLIANCE ACTIVITIES

A. COMPLIANCE ISSUES

OIL TANK #5 SUSPECTED RELEASE

1. Description

The area around Oil Tank #5, located on the east side of Building 31, was partially excavated. During the excavation, standing water was encountered and a hydrocarbon odor was detected.

2. Corrective Action

09/29/89 - Notification to Ohio State Fire Marshal of a suspected petroleum release.

10/05/89 - The contents of Oil Tank #5 were pumped into four and one-third 55-gallon drums and placed into storage in Building 79.

10/09/89 - Soil samples taken and submitted for analysis per Ohio State Fire Marshal requirements.

11/30/89 - Tank contents resampled at the request of NET to satisfy analytical requirements for VOC analysis.

01/09/90 - Determination that the Tank #5 system is RCRA regulated. Notifications made to Ohio EPA and U.S. EPA Region 5 of a suspected release of RCRA hazardous wastes from Underground Storage Tank #5.

01/18/90 - Additional soil sampling to confirm a release of RCRA hazardous wastes into soil around the tank.

02/08/90 - Submitted a release report pursuant to OAC:3745-66-96(D)(3) or 40 CFR 265.196(d)(3).

02/28/90 - Submitted a change in status for Tank #5 to Ohio State Fire Marshal.

3. Future Response

EST 6/90 - Receive results and perform a technical evaluation on data from the January 18, 1990, soil sampling to confirm if RCRA contamination is outside the tank.

EST 6/90 - Prepare a modified Application for Removal of FMPC underground storage tanks, including the deletion of Tank #5 on the application. This will be forwarded to the Ohio State Fire Marshal's office.

EST 6/90 - Identify/implement RCRA operational requirements for Tank #5. These will include any additional stabilization actions, facility modifications, and procedural requirements.

EST 6/90 - Develop and submit a RCRA Closure Plan for Tank #5. This plan will address additional sampling requirements needed to identify the extent of soil contamination and adequately remove the contamination as part of the closure process.

EST 7/90 - Revise and submit updated RCRA Part A and Part B Permit Applications to include Tank #5 and any other identified units. This date is being negotiated with the State of Ohio.

EST 7/90 - Prepare a modified UST Registration application, including the deletion of Tank #5 as an UST. This will be forwarded to the Ohio State Fire Marshal's office.

ASBESTOS

1. Description

The FMPC site contains a significant quantity of asbestos used as pipe and tank insulation, building materials, roofing materials and floor and ceiling tile. Asbestos containing transite board was used for external and internal walls in many of the structures at the FMPC when they were constructed in the 1950's. Due to the age of this facility, and the chemical and physical deterioration of the asbestos materials, much of the asbestos is in a friable state and represents a hazard to the environment and to the health of the employees.

The U.S. Environmental Protection Agency, the U.S. Occupational Safety and Health Administration and the State of Ohio have promulgated regulations which mandate the handling and control of the exposure to personnel and the environment of asbestos containing materials.

2. Corrective Action

An active asbestos Abatement Program is ongoing at this site. All personnel working in areas where exposure to asbestos is possible have received asbestos awareness training. Additionally, an asbestos management plan has been drafted to establish firm procedures to control asbestos abatement. However, the magnitude of this problem has overwhelmed the in-house capabilities and currently over 300 work requests for asbestos repair and mitigation are backlogged.

3. Future Response

The following initiatives have been undertaken to correct the asbestos problems at this site.

- A subcontractor is to be hired to perform a comprehensive asbestos inventory to include: the labeling of materials, inventorying all asbestos on site, prioritizing of asbestos abatement activities, conducting an asbestos migration study of the transite materials into the environment, and rewriting of the asbestos management plan to include inventory and prioritization results.

- Modifications are being prepared for the A-106 Report, along with Activity Data Sheets, to indicate the asbestos removal and repair requirements.

- 10 personnel are being hired to assist with the backlog of asbestos work requests.

- Projects are currently under design to abate the asbestos in areas around the site where personnel

access is restricted due to potential exposure to asbestos (Four locations in total).

- A project is being considered to abate the asbestos in the scrap metal piles.

- Additional air monitoring equipment is being purchased to assess the asbestos situation at the facilities.

1. Description

A Compliance Evaluation Inspection by EPA was completed on August 2-3, 1989 and a comprehensive ground water monitoring evaluation was completed in November 1989. A Notice of Violation (NOV) which listed 30 different violations was issued to DOE and WMCO by U.S. EPA on December 7, 1989. In addition U.S. EPA filed a Motion for Amended Complaint against WMCO on December 18, 1989. This is a proposed amendment of the original complaint, which was filed 2/9/89, to include the 30 violations. A response to the NOV will be submitted to EPA.

The FMPC reported the possible release of an unlisted hazardous waste in excess of a Reportable Quantity (RQ). Preliminary analysis has indicated that 319 containers of sump cake material on the Plant 1 pad is RCRA for Selenium and Chromium. During the overpacking and movement of drums from the Plant 1 pad to enhanced storage, 251 drums were discovered to have a cumulative weight loss of approximately 1,355 pounds. (No evidence of holes was found in the drums). There was evidence of leaks at drum lids and seams for some containers.

On September 22, 1989 the FMPC submitted unsigned revised Part A and Part B permit applications. A March 6, 1990 letter from Ohio EPA directed the FMPC to submit a signed revised Part A application no later than March 22, 1990 specifically to include an underground storage tank #5 which was recently identified as a hazardous waste storage tank and to include any other RCRA unit not currently identified. DOE is in litigation with Ohio over RCRA compliance including its permit application. The requested application has not been submitted pending completion of negotiations which will determine a revised submittal date.

Failure to submit revised signed applications may result in loss of the FMPC authorization to operate its existing treatment, storage and disposal (TSD) facilities. This would require immediate submission and implementation of closure plans and may also result in additional enforcement sanctions under the existing Consent Decree.

2. Corrective Action

a) Waste Characterization

Sampling of suspected waste streams was initiated in October 1989. Drums representing all suspect waste streams have been moved to the Plant 1 Pad

All suspected wastes will be evaluated and/or sampled by a date agreed to with Ohio in the Consent Decree negotiations.

OEPA granted approval of the closure plan in an October 18, 1989 letter. Rinseate sampling began on October 18, 1989. Sampling has been completed and all sample results from the process control sampling were received on January 19, 1990. The process control sample results indicate mercury exceeds the drinking water standard levels contained in the Closure Plan. An additional set of process control samples was taken on January 25, 1990, and the results showed that the rinseate is clean. A certification of closure was submitted to U.S. and Ohio EPAs on April 19, 1990.

b) Response to August 2-3, 1989 Ohio RCRA Inspection

Responses to OEPA findings from the August 2-3, 1989 OEPA RCRA Compliance Evaluation Inspection were transmitted to OEPA on October 3 and 19, 1989. The responses included a revised contingency plan, RCRA facility inspection logs, a revised Waste Analysis Plan and a revised Facility Closure Plan.

c) Plant 1 Pad

Samples of the pad and surrounding soils were taken to determine contamination levels. Extraction procedure toxicity test results were below detectable levels. Test results for organics will not be available for approximately eight weeks.

Ongoing radiological monitoring programs in place for the pad and bioassay records confirm that there were no radiological or chemically toxic health effects to FMPC workers.

The 251 drums of sump cake material were overpacked, labeled, weighed, and moved to RCRA storage by May 11, 1990.

d) Trane Thermal Liquid Waste Incinerator Closure

OEPA granted approval of the closure plan in a February 8, 1990 letter. A sampling plan was transmitted to OEPA on February 28, 1990 for approval. The closure is to be completed by August 12, 1990.

e) Plant 6 Storage Pad Closure

The closure plan submitted on August 3, 1989 was disapproved by OEPA in a letter dated February 22, 1990. A modified closure plan was submitted to OEPA for approval on March 29, 1990.

f) Closure plan for bulk storage tanks T-5 and T-6 was submitted to Ohio EPA in September, 1989. A notice of deficiency was received from Ohio EPA on May 8, 1990. A revised closure will be resubmitted to Ohio EPA on June 8, 1990 to accommodate the Ohio EPA comments.

3. Future Response

Production-related activities will remain suspended until full RCRA compliance is demonstrated.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

1. Description

During April 1990 there were four (4) non-compliances with the Discharge Limitations specified in the FMPC NPDES Permit (No. 1I000004*BD). The four (4) non-compliances were for pH.

2. Corrective Action

The pH of the FMPC process/drinking water has been reduced to 8.5. The effect of this change will be evaluated and adjustments made to minimize corrosion in the distribution system as well as limit any pH increase in the FMPC wastewaters.

At this time, no definitive reason or corrective measures can be provided for the fluoride non-compliances. Monitoring of final effluent concentrations after resumptions of biodenitrification operation will be used to manage the FMPC fluoride effluent loading within the permit specified discharge limitations.

Permit requirement and sample collection procedures were reviewed with Utility and Laboratory supervision. The aforementioned problems with sample analysis have been rectified.

3. Future Response

Any future violations of permit discharge limits will be investigated, addressed and resolved.

UNDERGROUND STORAGE TANK RELEASE

1. Description

a) On April 2, 1989, high volatile organic compound readings were detected with a HNu monitor from the soil samples taken during test borings conducted for the RI/FS in the area east of Building 31, where two underground fiberglass unleaded gasoline storage tanks are located. A suspected release was reported to the Ohio State Fire Marshal on April 4, 1989.

b) A previously unknown underground storage tank (UST No. 17) was discovered north of the Heavy Equipment Building. During efforts to excavate down to and sample the tank contents, a pipe was broken, apparently discharging a small amount of oil that was in the line. This event was reported to the State Fire Marshal's Office as a possible petroleum release from a UST.

c) During an effort to excavate and verify that an out of service gasoline storage tank (UST No. 9) was empty, evidence of petroleum contamination was discovered in soil above the tank. It is believed that this contamination was from an old spill of diesel fuel in the vicinity of the tank rather than being leakage from the tank system itself. The event was reported to the State Fire Marshal's Office as a possible petroleum overfill event.

d) On May 8, 1990, the Ohio Fire Marshal's Office informed the DOE Site Office that any unexplained or physical presence of water in an underground storage tank (UST) is indicative of a suspect release and must be reported within 24 hours. Reports to all regulatory agencies and local groups were made.

There are four USTs at the FMPC that contain water from an unknown source. The tanks are not in service and will be removed this year. There is no evidence of release from the tanks.

2. Corrective Action

a) The contents of the underground tanks were removed. On June 16 and 17, 1989 a tank tightness test was performed on the underground storage tanks and associated piping. Results received June 19, 1989 indicated a failure of the test. On June 20, 1989, the U.S. EPA and OEPA were notified of the failure of the tank tightness test. The Ohio State Fire Marshal was notified June 22, 1989. FMPC was instructed to test soil and water samples collected for the Total Petroleum Hydrocarbons. Additional information regarding ground water flow and ground strata, site map showing boring and well locations must

be submitted. On August 4, 1989, the FMPC submitted the initial abatement measures report and site investigation report which contain information requested by the Ohio State Fire Marshal.

FMPC received the result of the Total Petroleum Hydrocarbon (TPH) test for the water sample collected. It shows a 1.5 mg/l TPH value. A letter transmitting the results and a corrective action plan was sent to the Ohio State Fire Marshal on September 1. The two tanks have been taken out of operation, emptied of gasoline and filled with water to remove any potential source of contamination.

b) The tank contents were removed and subsequently sampled for petroleum and RCRA constituents. Soil samples were also taken to confirm and examine the extent of any release.

c) An investigation is ongoing to determine the nature and cause of the apparent contamination.

3. Future Response

The future plan of corrective action for these tanks is to revise the Underground Storage Tank Permit Application that was transmitted to Ohio State Fire Marshal on June 6, 1989. This application called for removal of ten underground storage tanks at the FMPC and included a schedule for the removals. The two underground gasoline storage tanks (now out of service) and UST No. 17, will be added to the revised permit, and are scheduled for removal in FY-90. FMPC will conduct a site assessment to determine the extent of contamination due to the release.

Radon

1. Description

On December 15, 1989, U.S. EPA promulgated the NESHAP standard for radon (40 CFR 61, Subpart Q). Section 61.05 allows 90 days to achieve compliance with the new NESHAP standard, or to apply for a waiver from compliance. The FMPC has several potential sources (including the K-65 silos) subject to the radon flux limit of 20 pCi/m^2-s. The K-65 silos do not comply with the flux limit.

2. Corrective Action

FMPC submitted a request for a waiver from compliance on March 15, 1990 to U.S. EPA. The waiver request identified the potential affected sources and proposed the use of the RI/FS strategy and schedules for a compliance program. As part of the RI/FS process, an Engineering Evaluation and Cost Analysis (EE/CA) will be conducted to determine the need for interim action at the K-65 silos.

U.S. EPA issued an Intent to Deny the Request for a Waiver on May 25, 1990. DOE has 30 days to respond.

3. Future Response

FMPC will be evaluating and completing the following actions, relating to the Radon standard:

- Developing emission estimates for all identified potential radon sources.
- Developing a radon flux determination technique for each of the potential sources
- Submitting an EE/CA document for the K-65 silos to U.S. EPA by August 1, 1990
- Evaluating optimization of use of the Radon Treatment System
- Proceeding with the RI/FS activities associated with potential radon sources, ultimately leading to final remediation.

B. STATUS OF NEW OR PROPOSED AGREEMENTS, ORDERS, MAJOR PERMITS

FEDERAL FACILITIES COMPLIANCE AGREEMENT (FFCA)/NESHAP

U.S. DOE/FMPC and U.S. EPA-Region V are negotiating an FFCA for NESHAP issues, including resolution of the FOV. Initial discussions on the FFCA/NESHAP began in 1987, and many versions of the document have been drafted since that time.

An advance copy of the latest draft FFCA was received on March 1, 1990. U.S. EPA has redrafted the agreement to conform with the revised radionuclide standard, which was promulgated on December 15, 1989, and the new radon standard promulgated on the same date. A meeting was held in Chicago on March 9, 1990 and conference calls were conducted on March 21 and 22, 1990 to discuss the FFCA. U.S. EPA will issue a proposed agreement to DOE and this action will trigger DOE response within 30 days under the "Federal Facilities Compliance Strategy".

STATUS OF DRAFT SARA 120 CONSENT AGREEMENT (IAG)/CERCLA

On May 12, 1989, FMPC received a draft Section 120 Agreement from EPA-Region V. The draft Agreement covers compliance with remedial and removal actions pursuant to CERCLA and includes legally enforceable schedules for deliverables in the RI/FS process. This SARA 120 Agreement will supersede pertinent sections of the FFCA signed in July, 1986, and actions not being incorporated into this SARA 120 Agreement will be accomplished as part of the original FFCA. Many negotiations took place on the wording of the Agreement.

The ORO Manager signed the Agreement on 4/3/90 and EPA signed on 4/9/90. The signed Agreement was sent by the U.S. EPA to the Department of Justice for concurrence.

On Wednesday, May 9, 1990, U.S. EPA held a public hearing at Ross High School on the FMPC CERCLA Consent Agreement. The hearing consisted of a U.S. EPA presentation on the content of the agreement, a question and answer session, followed by a formal comment period. No concerns by the public were noted except when U.S. EPA suggested that the cleanup of site could take up to 50 years to complete. DOE site personnel were present and responded to questions on schedules.

For the Ohio Agreement, the major issue to be settled is the form (Administrative Agreement or Ohio Consent Decree) and content of the Agreement. The Department of Justice will not approve a Consent Decree with Ohio that parallels the 120 Agreement.

OHIO CONSENT DECREE - CONTEMPT ACTION

On March 30, 1990, the State of Ohio filed contempt of court charges against DOE and WMCO for violating the provisions of the court's consent decree filed on December

1, 1988. Some of the specific violations alleged in the contempt charges include:

- Opening, handling, and/or storing hazardous waste containers in a manner such as to cause them to rupture or leak;
- Failing to transfer hazardous waste from containers which were leaking to containers in good condition;
- Failing to obtain the appropriate waste samples and analysis of approximately 16,000 drums of residual radioactive materials, 15,000 drums of thorium and 9,000 drums of uranium residues;
- Failing to develop a written inspection schedule; and,
- Failing to maintain an appropriate containment system free of gaps and cracks, etc.

Ohio is also considering a new compliance action for ongoing violations and enforcement of the 1986 CERCLA agreement between DOE and U.S. EPA.

The site office is working with ORO and DOJ to propose a comprehensive amendment to the Consent Decree addressing RCRA compliance issues. A status conference was held on April 12, 1990 before Judge Spiegel. The next status conference with Judge Spiegel is scheduled for June 13, 1990.

Negotiations were held on May 10, 1990, by conference call among representatives of the State of Ohio, DOE, WMCO and DOJ. A DOE proposal, reflecting a schedule for waste characterization and the submission of closure plans for the Plant 1 pad, Waste Pit 5 and Underground Storage Tank 5, served as the basis for the discussions. Previously-identified legal problems remain unresolved and were also discussed. These include: the State's insistence that WMCO sign the amended decree; that a penalty be paid by either DOE or WMCO; and that stipulated contempt sanctions be included for activities under the amended decree.

A technical meeting was held on May 28, 1990, to discuss the draft Consent Decree deliverables. Significant progress was made toward resolution of key technical issues including adequate aisle space, completion of the analysis of the 1,800 drums in RCRA storage, and the time and resources necessary to meet deliverables in the decree. Based on the progress made at the technical meeting, the State and DOE agreed to ask the Court to reschedule the June 1, 1990 status conference to allow two more weeks for further discussions. The status meeting is now scheduled for June 13, 1990.

MAJOR PERMITS

- U.S. EPA approval of the NESHAP application was received on May 25.

c) STATUS OF FOVs and NOVs

NESHAP FOV

A Finding of Violation for failure to submit timely applications to modify radionuclide emitting equipment was issued on February 23, 1989. Resolution of the FOV is being pursued through the FFCA/NESHAP discussed elsewhere in this report.

RCRA NOV

An NOV for 30 RCRA related violations was issued to DOE and WMCO on December 7, 1989. A response to the NOV is in preparation and will be consistent with any agreements made with the State of Ohio during Consent Decree contempt charge negotiations.

D) MAJOR DOE AND REGULATORY OVERSIGHT ACTIVITIES

DEPUTY SECRETARY OF ENERGY VISIT TO FERNALD

Henson Moore, Deputy secretary of Energy, visited the FMPC Monday, May 7, 1990. Deputy Secretary Moore's visit was the first time a Secretarial Officer has visited the site. Deputy Secretary Moore held a press conference with the local news media in which cleanup activities at the site, including the Duffy Five-Year Plan, were emphasized. Mr. Moore also stressed that he believes the facility could become a training center for environmental cleanup activities. All participants agreed that the visit was a success.

INTERNAL CONTROL REVIEW

An Internal Control Review (ICR) is currently underway at the FMPC, to review the planning cycle. Members of the ICR team are from the FMPC Site Office, ORO Finance Division, Portsmouth Site Office, and WMCO. The field work is scheduled to be completed by May 11, 1990 with plans to issue the final report by July, 1990.

FMPC SAFETY COORDINATION GROUP

In preparation for the first FMPC Tri-Party Safety Committee meeting, members of the FMPC FATLC and IGAU unions, a member of the national ICWU and members of the operating contractor and site office attended the ORO meeting in Oak Ridge May 15, 1990. The purpose was to observe and better understand how these meeting are conducted. A draft charter for the FMPC committee has been written and commented on by all parties. The first meeting is scheduled for June 5, 1990.

NVO LOW-LEVEL WASTE PROGRAM AUDIT

An audit of the FMPC low-level waste program was conducted April 25-27, 1990 by an eight-member team from NVO. The audit concentrated on the waste streams, laboratory procedures, quality assurance and training. Preliminary results from the close-out meeting did not indicate any major flaws in the FMPC low-level waste program.

VALIDATION MEETING

The annual Project Validation by MA-202 was held on May 3, 1990. This validation covered the ERA Project ($110M), the EHSI Line Item Project ($68M) and the Utilities Life Expansion Line Item Project ($31M).

III. STATUS OF LAWSUITS

CLASS ACTION SUIT (HOMEOWNERS)

A $300 million class action suit was filed against NLO, the former operating contractor of the FMPC, and NLI, NLO's parent corporation. The suit, filed in the U. S. District Court in Cincinnati, alleges diminished property values and emotional distress within five miles of the FMPC as a result of plant emissions.

A non-binding Summary Jury Trial in June resulted in a verdict for the class. The proposed settlement would provide for a $73 million fund for medical monitoring and payment of claims, with up to $5 million more for commercial and industrial property claims. A hearing on the settlement was held on August 23, 1989.

On September 29, 1989, Judge Spiegel issued an order approving the settlement and attorney's fees. Judge Spiegel also appointed trustees and special masters to administer and decide claims against the fund.

Defendant's appeal of the Order to the Sixth Circuit approving the settlement has been dismissed. A hearing was held in February on motions to enforce the Consent Decree. DOE's first payment ($17,000,000) has been made.

CLASS ACTION SUIT (WORKERS)

On Tuesday, January 30, a major lawsuit was filed in the U.S. District Court in Cincinnati against former FMPC contractor, NLO, and its parent, NLI. The suit, which seeks certification as a class action, is on behalf of NLO workers at the FMPC, their families and their unions, plus "frequenters" (contractors, subs, and invitees who regularly transacted business at the FMPC from 1952 through 1985), their families and unions. Plaintiffs estimate the proposed class at more than 10,000 members. In a 10 count complaint, plaintiffs seek $1.9 billion for "loss of income, loss of jobs, diminished ability to secure employment and insurance, emotional distress including increased fear of cancer and other diseases, and contamination of personal property." The attorneys who represented the neighbor class in the earlier Fernald tort action are "of counsel" on this suit, as well as on a class action arising out of Rocky Flats filed on the same day.

DOE declined to assume the defense of the Day case, and directed NLO to "proceed with the defense of the action in good faith." NLO retained the Cincinnati law firms of Frost and Jacobs (F&J) and Beirne and Wirthlin (B&W) to represent NLO. [B&W has workers compensation experience; F&J has class action experience and greater resources than B&W. The pairing is appropriate given the nature of the case.] NLI is represented by the Washington, D.C. firm of McKenna, Conner and Cuneo.

On March 12, 1990, in response to the January complaint, NLO filed motions to dismiss the case. Those motions have not been heard or decided. NLO will oppose class certification if the suit is not dismissed.

IV. SIGNIFICANT ACCOMPLISHMENTS

CERCLA - EE/CA DOCUMENTS

The Waste Pit Area Stormwater Run-Off Control EE/CA was submitted to U.S. EPA and Ohio EPA on May 29, 1990. A Work Plan for implementation of the removal action will be submitted to U.S. EPA within 30 days of EPA approval of the EE/CA document.

HAZARDOUS WASTE SITE WORKER TRAINING, 29 CFR 1910.120

Thirteen members of the DOE Site Office have been identified as requiring the 40-hour Hazardous Waste Site Worker Training as mandated in 29 CFR 1910.120. The EPA Training Center in Cincinnati will be utilized to obtain this training. Several staff members attended the second session conducted on May 14 - 18, 1990.

RI/FS COMMUNITY MEETING

May 22, 1990, the FMPC held a community meeting to discuss progress on the RI/FS. Major topics of discussion were: Removal Actions, Stormwater Retention Basin Overflow, Plant 1 pad drums weight loss, and rumors that the plant was to resume operations again.

Questions from the floor were answered by DOE, U.S. EPA and OEPA with additional detail given by contractor representatives. Questions requiring additional information were noted and responses are being prepared for transmittal to the questioners.

TIGER TEAM ACTION PLAN UPDATE

The revised FMPC Tiger Team Action Plan was submitted to DP-HQ May 23, 1990, two days ahead of schedule. Distribution was made to chief members of the Tiger Team and EH-HQ reviewers per HQ-DP's request. All comments were resolved and incorporated.

5A UF_6 CYLINDERS

Transfer of excess UF_6 from the two overfilled 5A cylinders was successfully completed May 7, 1990. The cylinders were shipped to Portsmouth, completing removal of all UF_6 from the FMPC. This "special project," like the thorium overpacking, involved extensive direct oversight and participation by the site office.

EE/CA WORKSHOP - SOUTH PLUME REMOVAL ACTION

A workshop was held on May 30, 1990 at Crosby Elementary School to discuss and review the South Plume EE/CA document with members of the local community. A court reporter was present to document comments received during the comment portion of the meeting. Responses to comments will be provided after the thirty day comment period has ended. The principle comment received was to pump and

treat before discharge. The EE/CA alternative selected was to pump and discharge without treatment.

NOTICE OF INTENT (NOI) RI/FS - EIS FOR REMEDIAL ACTIONS AT FMPC

The DOE has announced its intent to prepare an RI/FS - EIS IAW NEPA and CERCLA for remedial actions at the "special facilities area", Operable Unit 4. This NOI has two purposes: 1. to present pertinent background information and 2. to solicit public input to the RI/FS - EIS process to ensure issues are identified early and properly studied. Public scoping meetings are scheduled for June 12 and 13, 1990.

THORIUM OVERPACKING

The thorium overpacking project, which began on February 16, 1990, was completed May 9. Two hundred ten drums of thorium products were handled with only four spills, all of which were less than reportable quantities. Worker exposures to date are approximately 25 percent less than was anticipated. The pad and the building housing the operation are being decontaminated. All material is now located inside Building 64.

V. HEADQUARTERS ASSISTANCE

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) REQUIREMENTS

Draft 5 of the Draft Environmental Impact Statement (DEIS) for FMPC sitewide renovation is in final review. Draft 5 includes a cessation of uranium metal production alternative, and updates the Appendix lists of projects.

The FMPC revised its NEPA/CERCLA integration strategy to incorporate EH concerns. The Notice of Intent (NOI) initiating the NEPA process for the FMPC RI/FS activities was transmitted to DOE/HQ for approval March 15, 1990. Delay of the public scoping meeting will adversely impact the FFA schedule.

SIGNATURES FOR PERMITS AND ROUTINE REPORTS

A number of permit applications (RCRA Part B Permit, air permits to operate and permits to install) were submitted unsigned. On December 1, we received notice from SWOAPCA that they will not process the air permit applications until signatures are received. Construction start dates will be impacted by the delay in submittal of the applications.

The central issue of personal liability remains unresolved. No direction has been received from HQ.

OWNER/OPERATOR ISSUE

An issue remains open with respect to documents which require the signature of the owner and/or operator of the facility. U.S. EPA, Region V, is requiring the operating contractor (WMCO) to sign the RCRA permits as the operator of the facility. DOE has historically signed such documents as the operator.

APPENDIX

PREVIOUSLY REPORTED COMPLIANCE ISSUES WITH NO CHANGE IN STATUS

ABOVE GROUND MIXED HAZARDOUS WASTE TANK LEAK, T-5

1. Description

On June 16, 1989, the FMPC reported a release from an above ground mixed hazardous waste storage tank to U.S. EPA and Ohio EPA. This unit, Tank T-5, stored a Trichloromethane mixture (F001). The estimated amount of release was less than one ounce. A pinhole leak and a corroded area were found along two weld seams during an inspection on June 16, 1989. Both areas were damp, and there was no evidence of dripping or release into the tank containment area.

2. Corrective Action

The release was reported to U.S. EPA and Ohio EPA on June 16, 1989. Patches consisting of adhesive RTV and aluminum were placed over both corroded areas to mitigate any release to the environment. To prevent any potential release to the environment, emptying of the tank began on June 27, 1989, after allowing time to obtain proper equipment, train personnel in the transfer operation, and to determine a container suitable for the characteristics of this material. The material was transferred into 55-gallon drums and placed in RCRA storage until it can be shipped off-site to the K-1435 incinerator in Oak Ridge, Tennessee.

A RCRA closure plan was prepared for this tank and Tank T-6 and submitted to EPA on September 25, 1989.

3. Future Response

The material will be sent to an approved/permitted treatment facility.

LEAD RELEASE AT THE FMPC

1. Description

On June 21, 1989, while analyzing soil for a future project on-site, lead-based paint chips were detected. The paint chips were determined to be from old lead-based paint that was grit-blasted from two FMPC water towers in the winter of 1988. Three hundred drums of the old paint chips and grit-blast material were recovered during the water tower painting project, but obviously not all the material was collected. The exact quantity of lead release was unknown, but it was believed to be greater than the one lb reportable quantity for lead, as defined in 40 CFR § 302.4

2. Corrective Action

U.S. EPA and Ohio EPA were contacted within the regulatory time frame on June 22, 1989.

Steps have been undertaken to correct the lead-grit blast material problem through collection and drumming of residual lead-grit blast material at the FMPC Site. All recovered material has been placed in a RCRA storage facility. A preliminary assessment report for removal actions due to the release of lead-contaminated material at the FMPC was prepared. Since the removal action for the lead release had a planning period of less than six months before on-site removal activities were initiated, it is considered as a time-critical removal action, pursuant to Section 113(k)(2)(A) of CERCLA. During the latest EPA RCRA Inspection both U.S. EPA and OEPA representatives observed the actions being undertaken by the FMPC to recover the material and ensure proper storage.

Cleanup criteria for the lead-grit blast residue from the water tower painting project is set at 500 ppm in accordance with a directive to the EPA Regions from EPA Headquarters (OSWER Directive #9355.4-02). Soil sampling should be conducted to determine whether further cleanup will be required.

3. Future Response

In all future projects which involve removing lead-based paint, steps will be taken to minimize any release into the environment.

OHIO EPA PERMITS

Permits to Operate (PTO)

1. Description

Under Ohio Administrative Code Rule 3745-35, the owner or operator must submit an application for a permit to operate (PTO) for each source of air contaminants and must receive either a PTO or notice of registration before operating the source. The FMPC currently has approximately 331 sources which need PTOs. The following is a summary of the permit status for these sources.

Sources with permits in place	188
Sources with permit applications submitted in process at Ohio EPA	62
Sources with permit applications in process at WMCO	74
Sources with permit application in process at DOE	7

The following factors are pertinent to the compliance status of these sources.

1) ORO legal counsel has interpreted the Consent Decree signed with the State of Ohio on December 2, 1988, to allow operation of the approximately 400 sources included in the complaint, while permit applications are in process at Ohio EPA.

2) The majority of these sources are not in operation at the current time. Although these sources may have operated without a permit as required by OAC 3745-35, they are not currently in operation.

3) Shutdown of some of the sources which remain in operation without permits (such as the Plant 8 Sump) would result in adverse environmental impact. Therefore, shutdown is not a viable option.

4) None of these sources have any emission exceedances.

2. Corrective Action

Applications for the remainder of the sources are being processed. An estimated completion date is June, 1990, pending acceptance of the Plant 8 Sump emission calculation methodology by SWOAPCA.

3. Future Response

FMPC will submit permit applications in a more expeditious manner in the future.

We will continue to work with SWOAPCA and OEPA to resolve this issue. One area that is being pursued

is grouping sources onto permits (which reduces paperwork and time for issuing permits) and registration status for sources with small emissions (which does not require permit renewal every three years).

Permits to Install (PTI)

1. Description

Under Ohio Administrative Code Rule 3745-31, the owner or operator must obtain a permit to install (PTI) prior to installing or modifying any source of air contaminants after January 1, 1974. The FMPC currently has identified approximately 64 sources which need PTIs. The following is a brief summary of the PTI status for these sources.

Sources with PTIs in place	34
Sources with PTI Applications submitted and in process at OEPA	12
Sources with PTI Applications in process at WMCO	15
Sources with PTI Applications in process at DOE	3

Only 2 of these sources (ingot pickling and metal dissolver) may have been installed without a permit as required by OAC 3745-31. Construction has been ceased and neither have been operated.

2. Corrective Action

Applications for the two previously-installed sources have been submitted and are in process at Ohio EPA.

3. Future Response

PTI approval will be received prior to start of construction or modification for any future projects to which the PTI Rule applies.

NATIONAL EMISSION STANDARD FOR HAZARDOUS AIR POLLUTANTS (NESHAP)

1643

Radionuclides

1. Description

The FMPC installed various radionuclide emitting equipment without receiving U.S. EPA Approval to Modify, pursuant to 40 CFR 61. Applications for Determination of Modification (40 CFR 61.06) and Application for Approval of Modification (40 CFR 61.07) for this equipment were submitted August 10, 1988, November 23, 1988, and December 19, 1988. U.S. EPA denials of these applications, due to deficient and incomplete applications, were sent on December 23, 1988, January 23, 1989, and February 24, 1989, respectively. U.S. EPA issued a Finding of Violation on February 23, 1989 for failure to submit timely applications to modify 14 of the 17 sources.

The emissions from the 17 sources are very small when compared to the site total. Negotiations were conducted with EPA to provide a mechanism for approval of these "de minimus" sources. The applications were submitted as a result of these negotiations, and it became clear in the December 23, 1988 letter from EPA, that a "de minimus" level of emissions was not a basis for relief from the approval process. It should be noted that none of these 17 sources would require EPA approval under the revisions to the radionuclide NESHAP which were promulgated on December 15, 1989.

2. Corrective Action

FMPC has provided a schedule for submitting revised applications for all of the equipment installations covered by the 17 previous applications. The schedule is included as part of the FFCA/NESHAP which is discussed in an earlier section of the report. Applications or documentation for all of the FOV sources have now been submitted.

3. Future Response

FMPC will not operate sources until U.S. EPA approval is granted. In addition, FMPC will submit NESHAP applications in a timely manner for all future projects.